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8
9 Attorney for Objector
10 Sarah McDonald

11
12 UNITED STATES DISTRICT COURT
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

14 AMELIA FOOS, individually and on
15 behalf of all others similarly situated,

16 Plaintiff,

17 v.

18 ANN, INC., a Delaware corporation
19 doing business as Ann Taylor Retail,
20 Inc.,

21 Defendant.
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CASE NO. 3:2011-cv-02794

Judge M. James Lorenz

Magistrate Judge Mitchell D. Dembin

CLASS ACTION

**EX PARTE APPLICATION FOR
DISBURSEMENT OF FUNDS HELD
BY THE COURT; DECLARATION
OF JOHN W. DAVIS**

1 On May 20, 2013, this Court ordered class member Sarah McDonald
2 (“McDonald”) to post a bond in the amount of \$1000.00 to secure her right to
3 appeal. (Dkt. 70). On May 28, 2013, McDonald deposited \$1000.00 with the United
4 States District Court for the Southern District of California. (Dkt. 72). A true and
5 correct copy of the receipt for this deposit is attached hereto as Exhibit A. On
6 October 17, 2013, the parties to the appeal stipulated to resolve the appeal with each
7 party to bear his or her own costs. On October 22, 2013, the Ninth Circuit Court of
8 Appeals issued a mandate dismissing the case with prejudice. (Dkt. 95). A true and
9 correct copy of the stipulation is attached hereto as Exhibit B.
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13 McDonald’s appeal has been dismissed with prejudice with each party
14 agreeing to bear its own costs. Accordingly, McDonald respectfully requests that
15 this Court order the Clerk to release \$1000.00 from the Treasury to Attorney John
16 W. Davis Client Trust Account.
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18 **Declaration of John W. Davis**
19

20 I, John W. Davis, affirm the following:

- 21 1. I am a member in good standing of the State Bar of California, the Florida
22 Bar, and numerous federal district courts and courts of appeal. I am counsel
23 for class member Sarah McDonald in the above-captioned matter. The
24 following statements are based on my personal knowledge and the files and
25 records in this case of which I am aware and, if called on to do so, I could and
26 would testify competently thereto.
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- 1 2. Attached hereto as Exhibit A is a true and correct copy of the receipt for
2 monies deposited with the Court in compliance with this Court's order of
3 May 20, 2013. (Dkt. 70).
4
- 5 3. Attached hereto as Exhibit B is a true and correct copy of the Stipulation and
6 Motion for Voluntary Dismissal filed with the Ninth Circuit Court of Appeals
7 on October 17, 2013.
8
- 9 4. I declare under penalty of perjury under the laws of the State of California
10 and the United States of America that the foregoing is true and correct, and
11 that this Declaration was executed this 1st day of November, 2013, in San
12 Diego, California.
13

14 Respectfully submitted,
15

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